THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16285 of 2004

Dated:01.08.2007

Between
Dr.P.Mahender Reddy

.....Petitioner

and

1.The Inspector General of Police
(Intelligence) Office of Director
General of Police, Andhra Pradesh
Hyderabad and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16285 of 2004

ORDER

This writ petition has been filed seeking a Mandamus to declare the action of the respondents in withdrawing 1 + 1 gunmen (Armed Reserve Constables) to the petitioner as arbitrary and illegal and violative of Articles 14 & 21 of the Constitution of India and consequently to direct the respondents to continue the existing 2 + 2 gunmen (Armed Reserve Constables) to the petitioner.

It appears that the petitioner is a President of District Telugu Yuvatha of Ranga Reddy District and actively involved in district politics. His brother P.Rajender Reddy was also an active member of Telugu Desam Party. During the campaign for

Telugu Desam Party on 1.3.1988, his brother was murdered at Shabad, Mandal head quarters, by his political opponents due to his active involvement in the party affairs. The accused are absconding and there is threat to his life. In fact, several attempts were made on his life also by political rivals. As there is danger to his life, he made an application on 11.10.1990 to the 2nd respondent for providing gunmen on payment of charges, but the same has not yet been considered. Hence, he filed WP No.12175 of 1993 before this Court and the same was disposed of on 6.9.1993 directing the respondents therein to consider his application in accordance with the terms of the Circular dated 11.10.1990 issued by the State Government. Pursuant to the order passed by this Court, 2nd respondent considered his application and provided a gunman on 14.1.1994 on payment of charges. Subsequently, without any notice and

intimation, the said gunman was withdrawn from 1.4.1994. Questioning the same, he filed a writ petition No.17533 of 1994 before this Court and the same was admitted and an interim direction was granted on 5.10.1994. In view of the said direction, the gunman continued. During the year 1994, elections were held for the State Assembly and he was given Telugu Desam Party ticket and contested in the said elections and was re-elected from Tandur constituency for the second term. During the elections held in April, 2004 he contested unsuccessfully. For the last 10 years, he was MLA, 2+ 2 gunmen were provided by the State free of cost. At any point of time, there is no complaint that he misused the gunmen. Surprisingly, in the evening hours of 8.9.2004, at about 5-00 PM, 2nd respondent has withdrawn 2 Gunmen and he left with only 1 + 1 gunmen, who are hardly sufficient to protect his life from his political rivals. The withdrawal of Gunmen is ex facie arbitrary and

illegal and contrary to the orders issued in G.O.Rt.No.655 dated 13.3.1997.

A detailed counter affidavit has been filed by the respondents stating that the Security Review Committee has taken into consideration the threat perception reports pertaining to the petitioner before arriving at the decision. The petitioner was involved in number of criminal cases and Cr.No.22/2004 under Section 123 of R.P.Act, 1951 of PS Karankote, Cr.No.108/2004 under Section 171 (B) IPC, Section 123 R.P.Act, 1951 of PS Tandur and Cr.No.94/2004 under Section 186, 353, 341 IPC of PS Yalal of Ranga Reddy District are pending investigation. The Security Review Committee after taking into consideration the threat perception reports felt that the 1 + 1 security is sufficient to meet the security needs of the petitioner. The petitioner cannot be allowed to choose the number of security personnel to be deployed for his security. It is for the concerned

authorities to assess and evaluate the threat perceptions and provide necessary security to the petitioner.

Be that as it may, on 14.9.2004, this Court directed the respondents to provide 2 + 2 gunmen (Armed Reserve Constables) on payment of necessary costs for 1 + 1 gunmen forthwith. The said arrangements are being continued as of now and it is more than three years since the writ petition is pending.

Therefore, the respondents are directed to review the security threat perception reports after giving notice to the petitioner and after hearing him and pass appropriate orders as per law. Till such time, the arrangements as of now shall be continued.

Writ petition is disposed of accordingly. No costs.

_____

01-08-2007

rkk